

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**STEVEN DEGRAFF,**

**Plaintiff,**

**v.**

**No. 10-cv-0988 JAP/SMV**

**NEW MEXICO DEPARTMENT  
OF CORRECTIONS, et al.,**

**Defendants.**

**ORDER DENYING MOTION FOR REDUCED COPY CHARGES**

THIS MATTER is before the Court on an Untitled Motion [Docs. 47] (“Motion for Reduced Copy Charges” or “Motion”). Defendants have not responded to the Motion. The Court, being fully advised in the premises, FINDS that the Motion is not well-taken and should be DENIED.

Plaintiff appears to be requesting that the Court order Defendants to provide photocopying services at a reduced rate “due to indigence.” Motion [Doc. 47] at 1. “The federal standard set [forth] in *Gluth v. Kangas* 773 F. Supp 1309 [sic] of 5 cents per page is respectfully requested.”<sup>1</sup> Plaintiff explains that the correctional facility’s policy of charging 25 or 50 cents per page is too high for “most inmates” to afford, which he concludes “disrupt[s] litigation and defer[s the] filing of documents in court.” *Id.*

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<sup>1</sup> Plaintiff appears to be citing to two orders by the District of Arizona. In *Gluth v. Kangas*, 773 F. Supp. 1309, 1311–12, 1988 U.S. Dist LEXIS 17618 at \*5 (D. Ariz. 1988), the district court examined an Arizona state prison’s policies on, *inter alia*, photocopy charges, and it granted summary judgment in favor of the inmates on their class action § 1983 claims. In *Gluth v. Ariz. Dep’t of Corr.*, 773 F. Supp. 1309, 1321, 1990 U.S. Dist. LEXIS 19224 at \*17 (D. Ariz. 1990), the district court ordered the defendants to remedy the constitutional violations with numerous specific changes, including providing photocopies for five cents per page.

The Court will deny the motion because *Gluth* is not binding on this Court and because Plaintiff has not claimed—much less shown—that his ability to access the Court is prevented by the current photocopy charges.<sup>2</sup>

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that Untitled Motion [Docs. 47] (“Motion for Reduced Copy Charges”) is **DENIED**.

**IT IS SO ORDERED.**



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STEPHAN M. VIDMAR  
United States Magistrate Judge

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<sup>2</sup> In fact, the record indicates that Plaintiff has submitted no fewer than sixteen filings with Court since his Complaint and has made one telephone call to the Court Clerk’s office. *See* [Docs. 4, 7, 9, 11, 12, 19, 21, 28, 30, 31, 33, 34, 35, 36, 37, 46, 47, November 1, 2010 phone call].